



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States District Courthouse
300 Quarropas Street
White Plains, New York 10601*

January 10, 2008

BY HAND

The Honorable Charles L. Briant
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

**Re: United States v. Elton Kulli
07 Cr. 812 (CLB)**

Dear Judge Briant:

The Government respectfully submits this letter in response to the sentencing submission of defendant Elton Kulli dated January 4, 2008 ("Kulli Letter"), in connection with the sentencing scheduled for Thursday, January 24, 2008. On October 10, 2007, the defendant pleaded guilty to armed robbery, in violation of Title 18, United States Code, Sections 2113(a) and (d), and to the use of a firearm during the armed robbery, in violation of Title 18, United States Code, Section 924(c). The Government contends that in the defendant's case a sentence within the applicable Guidelines range of 121-130 months would be fair and appropriate, given (1) the nature and circumstances of the offense and the history and characteristics of the defendant; and (2) the need for the sentence imposed (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; and (B) to afford adequate deterrence to criminal conduct. See 18 U.S.C. § 3553(a)(1), (2)(A)-(B).¹

Kulli robbed a bank with a loaded handgun. PSR ¶ 8. During the robbery, he held two bank employees hostage, at gun point, for approximately thirty minutes. PSR ¶ 6. He also pointed the loaded handgun at the head of a third bank employee, forced that employee into the bank's vault, and forced the employee to hand over additional money from the vault. PSR ¶ 7. Unquestionably, this was a terrifying crime for the victims.

Kulli's actions were the product of forethought and planning. Kulli admitted that he had prepared for the robbery by visiting the bank, and that on the day of the crime, he had broken into the bank early in the morning and laid in wait for bank employees to arrive.

¹ As set forth in the Government's Pimentel Letter, the Guidelines range on the bank robbery count, Count One, is 37-46 months. Count Two, the firearm count, carries a statutory minimum of 84 months', to run consecutively to any other term of imprisonment, including the term of imprisonment to be imposed with respect to Count One.

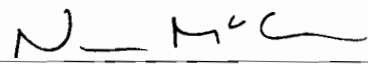
According to a witness interview, Kulli also told one of his hostages that he knew who the manager of the bank was because he had watched the manager open the bank the week before. In light of this evidence of deliberate planning, Kulli's decision to carry a loaded handgun during the robbery underscores the seriousness of the defendant's offense. A substantial sentence is warranted, among other reasons, to reflect the seriousness of the offense, and to afford general deterrence to further criminal conduct of this sort.

Finally, the facts of the case belie the defendant's suggestion that the amount of loss "in no way increases Mr. Kulli's culpability, or the seriousness of the crime." Kulli Letter at 2. \$174,000 is a significant amount of money for a bank robbery. The defendant was only able to obtain such a large amount by gaining access to the bank's vault. In order to open the vault, the defendant had to wait for two bank employees to arrive at the bank and threaten both with a handgun. PSR ¶ 7. Not only has the Sentencing Commission determined that amount of loss is a relevant consideration in determining the offense level for robbery, see U.S.S.G. § 2B3.1(b)(7), but in this case the defendant's decision to take a significant amount of money had the impact of increasing the number of victims and exposing them to an even higher potential for violence.

For the foregoing reasons, the Government respectfully submits that a term of imprisonment within the Guidelines range of 121-130 months would be fair and appropriate in this case and would comply with the purposes set forth at Title 18, United States Code, Section 3553(a)(2).

Very truly yours,

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